

TTAB

TRADEMARK
Docket No. 52964-24003.31

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

BIOGEN, INC.,

Opposer,

v.

VIAGEN, INC.,

Applicant.

Opposition No. 91157307

AMENDMENT OF APPLICATION WITH CONSENT

BOX TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Applicant Viagen, Inc., with the consent of Opposer Biogen Idec MA, Inc., requests that Application U.S. Serial No. 78/152,650 be amended to insert the phrase “relating to animals” following the word “biotechnology” so that the description of services will read in its entirety as follows: “research and development in the fields of genetics and biotechnology relating to animals to the order and specification of others; genetic testing, diagnostics and research in connection with the selection, management and genetic branding of animals.”



09-01-2004


U.S. Patent & TMOs/TM Mail Rpt Dt. #22

This request is being submitted in multiple form as required by TBMP 509.02. A copy of this Amendment of Application is being served on counsel.

Respectfully submitted,

Dated: August 31, 2004

By:

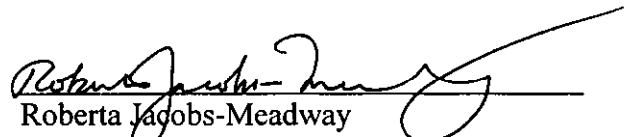

Rosemary S. Tarlton
Attorney for Applicant

Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-6810
Facsimile: (415) 268-7522

I consent on behalf of Opposer to this Amendment

Dated: August 26, 2004

By:


Roberta Jacobs-Meadway
Attorney for Opposer

Ballard, Spahr, Andrews & Lingersoll,
LLP
1735 Market Street, 51th Floor
Philadelphia, PA 19103-7599
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PROOF OF SERVICE BY MAIL

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on September 1, 2004, I served a copy of:

AMENDMENT OF APPLICATION

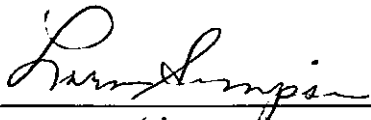
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

**Roberta Jacobs-Meadway
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 1st day of September, 2004.

Lorna Simpson
(typed)


(signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BIOGEN, INC.,

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v.

VIAGEN, INC.,

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Opposition No. 91157307

CERTIFICATE OF MAILING BY EXPRESS MAIL

BOX TTAB NO FEE

Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3514

Dear Commissioner:

Express Mail Label No.: EV215466770US

Date of Deposit: September 1, 2004

I hereby certify that the attached Amendment of Application; Proof of Service by Mail and receipt verification postcard are being deposited with the United States Postal Service Express Mail delivery as "Express Mail Post Office to Addressee" service under 37 C.F.R § 1.10 on the date indicated above, and is addressed to: BOX TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

Respectfully submitted,

By: 

Chase Mitchell